



## PACIFIC CONCERNS RESOURCE CENTRE

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# ACTION ALERT

In this 'ACTION ALERT' we look at some of the issues in which the NFIP has been involved in over the last few months and provide an update on them.

At the 6th NFIP Conference the following resolution was passed in support of Dr. Haunani Kay Trask.

'Whereas, We, the people of the Pacific want to make our position clear. The Pacific is home to millions of people with distinct cultures, spirituality, religions, languages, and ways of life and that we refuse to be abused or ignored any longer.

Whereas, we recognise that institutional racism and sexism exist in universities dominated and controlled by white men.

Whereas, these universities continue to perpetuate the fraud and the historical lies regarding indigenous culture and people.

Whereas, Dr. Haunani Kay Trask has been attacked by the University of Hawaii's Philosophy Department.

Whereas Dr. Haunani Kay Trask:

1. is a woman of indigenous ancestry,
2. has demonstrated her intellectual prowess by being the Director of the Centre for Hawaiian Studies,
3. has been and still is a leader in many Hawaiian issues,
4. has been one of the primary proponents for the restoration of the Kanaka Maoli Nation.

Now therefore, be it resolved that we, 130 delegates representing 28 nations, at the 6th NFIP Conference held October 31st - November 7th, 1990 at Tahuna and Taiao Marae, Aotearoa, protest and deplore the continued racist and sexist behaviour of an indigenous culture.

Be it further resolved that any attempts to harass, reprimand or remove Dr. Haunani Kay Trask from her position as Director of the Centre for Hawaiian Studies will not be tolerated.

Be it further resolved that we direct university administrators to support an academic climate on campus of open discussion, debate, and study of issues regarding racism, sexism, and colonialism, and to create greater inter-cultural respect and understanding.

Be it further resolved that we support and advocate for the right of any person/s of an indigenous culture to control his/her/their own destiny and the right to speak the truth.

Finally, be it resolved that copies of this Resolution be sent to:

John Waihe'e, Governor of Hawaii, State Capitol Building, Honolulu, Hawaii.

Board of Regents, University of Hawaii, Bachman Hall, Honolulu, Hawaii 96822.

Albert Simone, U.H. President, Bachman Hall, Honolulu, Hawaii 96822.

Paul Yuen, U.H. V.P. for Academic Affairs, Bachman Hall, Honolulu, Hawaii 96822.

Robert Hines, Dean of Arts and Sciences, U.H., Honolulu, Hawaii 96822.

Mark Juegensmeyer, Dean of Hawaiian, Asian and Pacific Studies, Honolulu, Hawaii 96822.

Editor of Ka Leo, U.H. Student Newspaper, U.H., Honolulu, Hawaii 96822.

Editor of the Honolulu Advertiser, Honolulu, Hawaii.

Editor of the Honolulu Star Bulletin, Honolulu, Hawaii.'

Much of the 1990-1991 winter newsletter of the Centre for Hawaiian Studies LEI O KA KANAHILA was devoted to the row that followed publication of a letter written by Haunani Kay Trask in the student newspaper name KA LEO.

That letter was written in response to an article written by a caucasian student, Joey Carter. In her reply Haunani pointed out that people with attitudes like those displayed by Carter should do Hawaiians a favour by going back where they came from - in this case Louisiana.

The arising outcry began with letters to the editor both opposing and supporting Carter's article and both opposing and supporting Trask's letter. One professor compared Trask with Adolf Hitler and Saddam Hussein.

The Philosophy Department released a public statement a month later urging that Trask be reprimanded for writing her letter. This was circulated by a Professor Laudan who demanded that Haunani be removed from her position of Head of the Centre for Hawaiian Studies.

The President who has, on numerous occasions said that Haunani's statements were making life difficult and that he needed to find a way to silence her moved against her. He proudly announced to the Press that he was launching a formal investigation of Laudan's letter.

The charge was that Trask's letter only one among literally hundreds received by the newspaper on this topic, many of them highly inflammatory - had created a "climate of intimidation" on campus. This is the same President Simone who has resisted an Attorney General's opinion that he should reveal to the public names of white male faculty who have been convicted of sexual harassment, and the same president who for years has fought the creation of serious university guidelines and criteria regarding sexual harassment and affirmative action. Nothing could be plainer that the invidious discrimination he was displaying with his actions in the Trask case, discrimination apparently based on her race, sex, and political beliefs.

Lei o Ka Kanahila cases up the story:

'Professor Trask and hundreds of supporters responded to Simone's announced investigation with public demonstrations and open forums to discuss and protest this violation of her free speech and academic freedom rights. The university's faculty union, the University of Hawaii Professional Assembly, passed a resolution supporting free speech and academic freedom, with specific reference to the issues at hand. Local newspapers, radio and television picked up the story and it spread out from the campus into the larger community. Letters to the editor of daily newspaper poured in from both supporters and critics of Trask, while local radio and television talk shows seemed unable to converse about anything else. The Los Angeles Times picked up the story, as did people with Mr. Carter's views in Hawaii was the equivalent of advocating violence against white people and was the same thing as issuing "hunting licences" for Hawaiians to "beat up on" people "because of the colour of their eyes or the colour of their skin.'"

In all the furor some of the Philosophy Department faculty began a gingerly tip-toe away from the controversy, but their chair, Professor Laudan, was on the warpath. He told television interviews that he had doubts as to whether someone holding Professor Trask's political views belonged in a university at all. He told a radio interview that her letter's suggestion that Hawaiians would be better off without. Professor Laudan next filed a charge against her with the Faculty Senate.

The Senate, made up predominantly of white male "moderates" accepted it, launching an investigation of its own - something the Senate had never, in its entire history, done before. McCarthyism was loose.

While all this was going on someone decided to provide Joey Carter with a lot of money. Enough money, at least, to fly back to Hawaii, take up residence here, and re-enrol in the university. Someone also had convinced him that his earlier public statements to the effect that the controversy had very little to do with his withdrawal from the university, and that no one other than himself was responsible for his departure from Hawaii, were wrong. Now that he was the recipient of someone's largesse enabling him to return to Hawaii, he also dutifully was filing a student grievance against Professor Trask. The charge alleged that Professor Trask had created a "climate of discrimination" against him, a climate that had "ruined his academic career," by writing her letter to the editor - precisely the same language Professor Laudan had been using in his attacks on Trask.

Three investigations were now in progress. All of them were geared toward finding a way to damage Trask's reputation and/or have her removed from her Directorship position. All of them were, or, appear to have been instigated by one person, Professor Laudan, with the less visible aid and concurrence of President Simone. None of the investigation committees asked to speak with Professor Trask or receive materials from her as they went about their business, and in fact they rejected requests for input from her. Moreover, none of the investigating committees would even agree to share with Trask the complaints that had been lodged against her. She simply would have to wait until they had completed their investigations - and then live with their findings and their punitive actions.

As word of these academic lynchings in progress leaked out, civil liberties and civil rights organisations spoke up on behalf of Trask. The American Civil Liberties Union broadcast a radio editorial supporting her right to free speech. The Centre for Constitutional Rights in New York wrote to her and to President Simone expressing grave concern over the ongoing violations of her rights. The American Association of University Professors in Washington said it was watching the case closely. Student and faculty mobilisation on her behalf began in earnest. Simone's response was to continue to meet with faculty groups and tell that she simply had to go, that she had been a thorn in the side of the people "downtown" (that is, the business and political establishments) for too long.

Lei o Kanahila concluded that Trask would not be silenced. 'Neither will Trask and neither will the many others on this campus and elsewhere who see the hidden hand of the corporate and political establishment behind those crude efforts to muffle a voice that is speaking both in anger and defiance on behalf of the dispossessed.'

Months later, Haunani and her supporters were victorious. She was exonerated of any wrong doing. The President has left but Haunani and her family suffered months of abuse, threats and vilification. The racism that she was the victim of has not disappeared. But we rejoice in her courage, the wisdom of her words and the aroha of her people. KIA KAHAKA, KIA TOA, KIA MANAWANUI.

### MAIORO

At the 6th NFIP Conference last year, delegates were cared for at Waiuku by the people of Ngati Te Ata. Their struggle had, been the subject of an 'Action Alert' just a few months earlier.

Delegates were able to see the steel mill pumping its pollution into the skies and the waters of the Manukau 24 hours a day. Many stayed at Tahuna Marae directly across the waters from New Zealand Steel. They travelled to the site where a Japanese loan of almost \$400 million had been obtained in 1990 to enable the company to further develop its operations.

The burial grounds of the people of the land were mined for steel. Those ancestors whose remains were placed in the womb of Papatuanuku, the Earth Mother, for centuries were, and still are, being desecrated by the metallic monsters of capitalists who have no interest and no concern for their pain being caused to their children.

Developing 'full output' has meant that at the mine a slurry pipe conveys the sand, bones and water to the mill. The iron ore is extracted by a magnetic and centrifugal process which are then piped through bands where solids are deposited in piles. Invariably bones of Ngati Te Ata's ancestors pass through - in most cases, undetected.

Things have not changed at Maioro. Ngati Te Ata maintain their tapu over their land. The company continues to ignore it. Representatives of the Crown have met with Ngati Te Ata. 'Negotiations' were held. The Labour Government said in 1990 that they would return selected waahi tapu (sacred places) to Ngati Te Ata.

That did not satisfy Ngati Te Ata for whom the whole area is sacred. But even the governments small designated areas have not been returned. The company has brought a High Court injunction and the barriers to justice for Ngati Te Ata continue. They await the pleasure of the juridical system.

Unanimous support was given to the following resolution:

We the participants of the 6th NFIP Conference being held at Waiuku and Pawarenga call on the New Zealand Government and the four shareholders of the New Zealand Steel (B.H.P., Australia New Zealand Bank, New Zealand Steel Tube Holdings and Fisher and Paykel to:



1. immediately stop the mining of sacred burial grounds by New Zealand Steel at Maioro, and
2. return the four burial grounds to Ngati Te Ata immediately, and
3. exempt these four sites from the provisions of the Iron and Steel Industries Act.

#### GITKSAN AND WET'SUWET'EN

The strange and bizarre case decision handed down by British Columbia Supreme Court Judge, Allen McEachern continues to reverberate throughout Canada.

That decision denied native people any right at all to their own unceded land.

In the 'Activist' Maggie Helwig says:

According to McEachern the Gitksan and Wet'suwet'en do not own their land because they lack proper concepts of land ownership. Furthermore, the fact that the British settlers assumed that the natives had no land rights was sufficient to extinguish all native land rights. Besides which, aboriginal rights really exist only "at the pleasure of the Crown."

Anyway, McEachern concludes, the only future for native peoples is to assimilate, accept good white Anglo values, and go out and make some money for themselves, possibly by levelling every tree in British Columbia. He opposes the Gitksan and Wet'suwet'en can do this, because, he generously allows, they have "already achieved a relatively high level of social organisation."

The McEachern decision is a nasty and offensive document but besides it being a serious setback for the Gitksan and Wet'suwet'en it is a dangerous precedent for all First Nations in Canada.

The 'Activist' said that:

McEachern's ruling directly affects the issue of comprehensive land claims - that is, land claims in which no prior treaty or agreement between the native peoples and the settlers exist, and the land is still formally unceded native land. There are virtually no treaties in B.C., and almost all land claims are comprehensive claims. The land claim of the Innu of Nitassinan (Quebec Labrador) is a comprehensive claim as well, and so are a number of others, mostly in Quebec and the Northwest Territories.

The crucial question, in comprehensive land claims, is "extinguishment" - that is, under what conditions the aboriginal rights to the land, based on traditional occupancy and use, may be said to have extinguished. Is it when a treaty has been signed which clearly states that aboriginal title is relinquished when a treaty suggests this? Is it when there is no treaty, but simply acknowledgment of the non-native presence in the land and some Canadian government jurisdiction?

It is the uncertainty about this which has made many natives wary of entering a comprehensive claims process, knowing that entering into any agreement with the government may be seen as extinguishing their prior rights to the land.

But McEachern was even more sweeping. According to his March 8 decision, aboriginal title was apparently extinguished by the simple fact that white people moved into the area.

Newfoundland Judge, James Igloliorte, ruling in 1989 that the Innu could be convicted of trespass on their land, derided the belief that "the Crown acquired magically by its own declaration of title" rights to the land. But it seems that Judge McEachern believes exactly in this magical process, by which white people come to own the land just because they say so.

Worse, the McEachern judgement is already being used as a precedent in B.C. courts. Fifty-nine Lil'wat people, charged with contempt of court for a blockade of logging road in their territory in central B.C., argued that the provincial government had no authority to forbid blockades on unceded Lil'wat land. The judge, citing the McEachern decision, dismissed Lil'wat sovereignty as a non-issue, not even fit to be considered in court "unless and until (the McEachern decision) is reversed on appeal."

Since McEachern has been promoted to Chief Justice of the B.C. Court of Appeal, where the Gitksan and Wet'suwet'en must now take their case it is unlikely his decision will be reversed on appeal.

Native leaders say they will continue to pursue the court case but they can have little faith in the outcome. Civil disobedience is being planned across the country but the anger and frustration of native peoples cannot be prevented from breaking out in violence, especially after the example set last year at OKA.

It is clear that the courts and the government are inciting the explosion rather than trying to prevent it.

EAST TIMOR

Globally, we know time is on our side, not on the side of the generals....

The Maubere (indigenous) people will go on fighting and will never surrender whichever way the winds of history blow.

Xanana Gusmao, commander of the military wing of Fretilin, 1990.

On March 25, the United Nations Secretary General met a delegation of Parliamentarians for East Timor. He told them that East Timor had the same rights to determine its own status as Namibia or the Western Sahara. Namibia became independent in 1990, while the UN hopes to resolve the situation of Morocco - occupied Western Sahara this year.

De Cueller said, 'The people of East Timor had the same rights to self-determination that those other peoples have, that East Timor is just as important as these other struggles.' He reaffirmed that he stands by all UN resolutions on East Timor.

Both the UN Special Committee on Decolonisation, and the Human Rights Commission are under increasing pressure to take action on behalf of East Timor.

In February, the 12 country European Community intervened on behalf of East Timor. The E.C. said it 'was gravely concerned at the human rights situation prevailing in East Timor. Whilst access to certain districts continues to be prohibited, reports have reached us of arrests of short or long duration, mistreatment, torture and executions, whereas non-respect to the right of peaceful assembly and freedom of expression continues to be inflicted on the inhabitants of East Timor by the Indonesian forces.

There are now a number of countries, NGOs and groups of political and church leaders who continue to argue for justice for East Timor.

Portugal finally laid a case against Australia in the International Court of Justice because of its signing of the Timor Gap Oil Treaty with Indonesia.

In spite of this the Australian government is pressing ahead with oil exploration in the seabed below the Gap which international law recognises as part of East Timor's territorial waters.

Australian companies are being urged by the government to start exploration.

It is the support of countries like Australia and New Zealand which allows the Indonesians to maintain its murderous occupation of East Timor.



The resolution passed by the 6th NFIP Conference in 1990 is still absolutely relevant. It said (Resolution II) that:

The 6th NFIP Conference, meeting in Waiuku and Pawarenga, Aotearoa, during 1 - 7 November, 1990, considering the grave situation on East Timor due to 15 years of Indonesian military invasion and occupation and the continuing resistance of the East Timorese people for a just struggle for self-determination and independence:

1. supports the rights to independence of the Maubere people in accordance with the United Nations Charter and General Assembly Resolution 1514 (XV);
2. supports the United Nations Security Council Resolutions 384 (1975) and 389 (1976) and demands that Indonesia immediately and unconditionally withdraw all its troops;
3. condemns the Suharto regime for its genocidal war and occupation of East Timor;
4. calls on the Suharto government to authorise international observers and humanitarian organisations to enter East Timor to freely investigate conditions in the country and report on human rights violations;
5. demands the unconditional release of those arrested before and since 1981 for opposing the Indonesian occupation, and a halt to summary executions;
6. calls upon community organisations, members of representative bodies, and governments in the Pacific region to urge the United Nations Secretary-General to intensify his efforts to achieve a just and lasting settlement of the East Timor issue and to include from the start the participation of representatives of the East Timorese people;
7. firmly rejects attempts of Indonesia to participate in any way in the South Pacific Forum;
8. demands that Indonesia withdraw from East Timor, West Papua and Maluku;
9. condemns the recognition of Indonesia's military annexation by governments in the region, in particular the governments of Australia and New Zealand;
10. condemns the agreement between Indonesia and Australia to jointly exploit the oil resources of East Timor;

11. welcomes the growing awareness in the Pacific communities of the East Timor drama and commits the NFIP Movement to renewed and sustained activities on East Timor among all sections of the people, including Indigenous Peoples, organisations, trade unions, churches, peace activities, parliamentarians and other NGOs.

The following actions should be carried out:

1. that every NFIP member in the Pacific region should endeavour to lobby to respective organisations and the governments to support the right of the people of East Timor to self-determination and independence;
2. that every NFIP member undertake the responsibility to disseminate information about the struggle of the people of East Timor;
3. to commit the NFIP member organisations to write to their respective governments and their Indonesian Embassy on 7th December 1990 to protest 15 years of Indonesian invasion.
4. Considering the elaborate underground network of the Resistance in East Timor we make an appeal to all member organisations of the NFIP to express their solidarity through financial contributions where this is possible. Such contributions will support the information network of the Resistance and should be sent to:

FRETILIN, (Revolutionary Front for Independence of East Timor)  
C/- 7 Flynn Place,  
Bonnyrigg,  
N.S.W. 2177  
AUSTRALIA

5. this Resolution shall be sent to the Secretary General of the United Nations and the Government of Portugal.

In addition, we would like you to write to the UN Special Committee on Decolonisation, New York, NY 10017, USA, to ask the committee to support Portugal's case against Australia and tell them to pressure Indonesia to enter into genuine peacetalks with Portugal and East Timorese representatives including Fretilin.

### Conclusion

This is the first of our updates on current campaigns. To allow us to bring people the latest news on your struggle, please send us information.